

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

April 7, 2010

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 7th day of April, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Griffith, Kovach, and Chairman Dillingham

ABSENT: None

OTHERS PRESENT: Mr. Steve Lewis, City Manager
Ms. Rebecca Frazier, Assistant City Attorney
Mr. Leonard Youngblood, Interested Citizen
Ms. Syndi Runyon, Administrative Assistant IV

CONTINUED DISCUSSION REGARDING THE DEVELOPMENT OF A CHARTER REVIEW COMMITTEE.

Ms. Rebecca Frazier, Assistant City Attorney, highlighted the history of past Charter reviews as well as the Oversight Committee's guidelines, membership process, selection process, and what is expected from the Charter Review Commission (CRC) once created. She said the draft resolution was basically the same information including the purpose and composition of the CRC.

Councilmember Atkins said Section 4 discusses the removal provisions and questioned whether it was Council's intent to replace someone who misses more than three consecutive meetings or leaves the CRC midway into the year long process. He wondered if it would be better to stipulate minimum number of members, such as no less than nine. Councilmember Kovach said if it were worded that way, it would be up to the discretion of the current Council as to whether or not they choose to fill the vacated positions and may give the signal that they do not have to fill the vacancy. Chairman Dillingham felt it should be the Council's decision on whether or not those vacancies are filled. Ms. Frazier said the number could be thirteen with two additional alternates that are not voting members, but would attend all the meetings and be ready to fill in. Councilmember Atkins suggested having nine members with four at-large as alternates and Mr. Steve Lewis, City Manager, said that raised the question of whether Council wanted advisory members, associate members, or ex-officio members. Councilmember Kovach felt Council would choose a diverse group of members and by allowing CRC to choose members the diversity could be lost and Chairman Dillingham agreed. She said Council wants to encourage the CRC to bring in citizens for consultation, but not as board members. Councilmember Atkins felt a member of the Legal Staff would be needed to interpret some of the provisions of the Charter and Councilmembers felt Legal Staff should be available for advising, but not serve as members of the Committee.

Chairman Dillingham said Council wants an independent Commission of well qualified people that works well as a group to get the job done and felt it was important that the CRC be independent from the Council. Mr. Lewis referenced Sacramento rules and said the members were chosen through an application and interview process with the restriction that some members have education, experience, or training from the field of law, academia, or public administration/policy. It was the consensus of the Committee for Council to choose all members through an application and interview process with each Councilmember choosing one person from their ward and the CRC choosing the four at-large from the pool of applicants Council had approved. Councilmember Kovach asked about replacements if someone is dismissed or resigns and Councilmember Atkins was concerned if the CRC is nine months into the process and two people drop out, new appointees will need time to catch up

causing tension within the CRC. Councilmember Griffith felt any new members should catch up on their own time and should be willing to do that if they are willing to step into the process that late in the game. Mr. Lewis said his experience has been that having an alternate works, but asking someone to be on board for an entire year and not getting to vote or participate is hard. Councilmembers discussed various scenarios, but Chairman Dillingham felt the CRC should make their own rules on this matter.

The Committee also discussed quorum requirements needed to accept the final report. Section 5(d) refers to "a majority vote of a quorum" and Chairman Dillingham said with the requirement of removal when you miss three consecutive meetings and the Council's goal to never get to the place where you only have a quorum operating could pose a problem. Mr. Lewis said a policy used by a Committee in Oregon defined a quorum for the final report as two-thirds of the Charter Review membership at the time of voting. Councilmembers felt that was a nice way to handle that situation.

Councilmember Kovach said a decision had not been finalized on Section 5(e), which refers to Council review in considering the recommendations of the Commission and those that will be voted on in a City election. He said Council needs to come up with some mechanism that everyone is comfortable with. Chairman Dillingham said Council can limit the number of recommendations at the end of the year and then vote it all up or all down. Councilmember Kovach said another option was for the CRC to read a report in public and Council choose recommendations individually, but at least get the recommendations to the public to give them an opportunity to weigh in on what they want Council to do. Councilmember Griffith asked if quarterly public meetings would be held during the process and Chairman Dillingham said the Committee wanted the CRC to decide how to manage their work. She said every meeting would be open to the public, but not for public participation. Councilmember Atkins suggested the CRC make their final report at a City Council meeting or at a public hearing with the Council in attendance discussing each recommendation and voting up or down or moving forward.

Councilmember Kovach asked if there was a mechanism to allow someone from the public to put forth ideas not considered by the CRC such as miscellaneous discussion at the end of the meetings. Mr. Lewis said one approach would be language in the resolution directing the CRC to draft their own policies and procedures.

Councilmember Atkins suggested that when the resolution passes, place that information on the City's website for citizen input and Mr. Lewis said other Charter committees' regulations include creating a webpage for the purpose of informing interested parties of the CRC proceedings. Ms. Frazier said taking advantage of technology gives citizens an open door to submit recommendations through e-mails.

Chairman Dillingham suggested reviewing the Charter every ten years to coincide with the U.S. Census and asked that language be included in the resolution. Mr. Lewis asked if it is Council's desire to have the CRC review provision language placed in the Charter and Chairman Dillingham said yes.

Councilmember Kovach suggested the CRC be established soon so they could begin work sometime towards the end of this year. He said the CRC will have a lot of work setting up policies and procedures. Councilmembers discussed timelines and target dates for CRC recommendations once the Committee is established and Mr. Lewis said typically, Council wants a report within a certain time frame, but realistically the CRC could report back in six months with no changes. Councilmember Griffith felt it would be great to have everything accomplished by the General Election in August, 2011.

Councilmember Kovach asked when the resolution would go to Council and Mr. Lewis said Staff will make the final changes, schedule a Study Session, then forward for Council approval. Chairman Dillingham said the resolution stipulates the City Council "heard and evaluated the information surrounding the creation of a CRC at a public meeting" so the Committee needs to get their information to Council then set up the public meeting. She felt great ideas would come from the public meeting.

Councilmember Kovach asked for further clarification as to how Council would respond to the recommendations and Chairman Dillingham felt it was good to define the work load reasonably to limit the number of recommendations made to Council in any given year and allow Council to vote on each recommendation. Councilmember Atkins suggested that recommendations be classed as major and minor with minor being housekeeping items. Councilmember Kovach said voting all up or all down works if the Commission proposes a limited amount, which gives it more possibility of getting on a ballot. Chairman Dillingham said it is difficult for voters to read multiple ballot pages with too much legalese. Councilmember Griffith said he likes the suggestion that the CRC report their progress to Council and Council give input. Chairman Dillingham said she did not want the CRC to feel as if the Council is guiding their process politically. Mr. Lewis said it is not unusual to have progress reports when a Committee is studying something for a year and Councilmember Griffith said he would feel comfortable with progress reports.

Councilmember Kovach asked Mr. Lewis how to set up a mechanism to take as much of the politics as possible out of the process so things would actually get done. Mr. Lewis said some of that will be dependent upon what the CRC recommends. He said a recommendation to change the form of government would be very political and gave other examples. He said the way to depoliticize the process it comes back to the character of the members of the Committee.

Councilmember Atkins suggested the CRC present their report to Council at a regular meeting and Council take action on each recommendation as to whether or not to move it forward. Councilmember Kovach suggested calling a Special Council Meeting to hear the recommendations.

Chairman Dillingham said she would like to have a quarterly report from the CRC Chair allowing Council to ask questions and Ms. Frazier asked about the selection of a Chair and Co-Chair and Councilmembers wanted the CRC to choose their own Chair and Co-Chair.

Councilmembers reviewed the application form and felt applications should be accepted from everyone interested in serving on the Committee and those applications should be submitted to the City Clerk's Office. The City Clerk will forward applications for each Ward to their respective Councilmember for review. They also agreed that announcements will be made through a press release, placed on the City's website, and announced in City Council meetings.

Councilmembers asked Staff to make the necessary changes to the resolution, e-mail those changes for review, and, upon the Oversight Committee's approval, schedule a Study Session.

Items submitted for the record

1. Draft Memorandum from Oversight Committee to Honorable Mayor and Councilmembers
2. Draft Resolution
3. Charter Review Committee Application Form
4. City of Norman Ethics Policy For City Council, Boards, Commissions, And Committees Of The City of Norman

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:36 p.m.